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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,118	06/26/2006	Yukihisa Yamashina	116692008200	8983

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EXAMINER
BORSETTI, GREG

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **_Before the Filing of an Appeal Brief_**	10/539,118	YAMASHINA, YUKIHISA
	Examiner	Art Unit
	GREG A. BORSETTI	2626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>13 July 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/Greg A. Borsetti/
Examiner, Art Unit 2626

U.S. Patent and Trademark Office

PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20090716

Continuation of 5. Applicant's reply has overcome the following rejection(s):
The objection to claim 10 will be withdrawn in view of the amendment (7/13/2009).

The 35 USC 101 rejection to claim 11 will be withdrawn in view of the amendment (7/13/2009).

The 35 USC 112 2nd paragraph rejection to claim 1 will be withdrawn in view of the amendment (7/13/2009).

Continuation of 11. does NOT place the application in condition for allowance because:
Response to Arguments

Applicant argues "The cited references do not suggest (1) a combination including the feature of indicating the type of the translated contents that are generated in the course of translation, in order to assist both a translator and a proofreader, (2) a combination wherein the content sent to the translator and to the proofreader are different, so that the translator and the proofreader are able to carry out their own work, (3) a combination wherein the work of a translator and the work of a proofreader are stored in separate memories (the third memory and the past-translation data storing section), thus preventing one from overwriting the work of another, and (4) a combination including the feature of indicating the number of text elements belonging to each of these classifications: original text (awaiting translation), draft-translation, translation, and proofread translations." (Remarks, Page 9, 4 to Page 10, 1) Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant further argues "For the sake of brevity and in view of the Examiner's familiarity with this case, in light of the interview conducted in February, for example, applicant herein incorporates by reference the arguments made in the previous responses regarding the cited art. However, applicant desires to emphasize two points. First, while Kaji may disclose the technique of computing similarity, Kaji does not disclose automatically determining a non-translation target. Second, while D'Agostino may disclose counting the number of translated text elements, D'Agostino does not disclose counting the number of text elements in the various classifications, as noted above." (Remarks, Page 10, 2) First, there is no requirement in the claim language that the determination is automatically performed for determining a non-translation target, therefore Kaji teaches the claim language. Second, D'Agostini teaches a GUI where it would have been obvious to someone of ordinary skill in the art at the time of the invention that there could be a word count in any editable text window. Kaji teaches a text analyzing section for analyzing the original text, dividing it into a plurality of elements and storing them in a first memory. The translations need to be editable by a human so that they can proofread and edit translations that require further translation and proofreading. So, the Examiner contends that it would have been obvious to someone of ordinary skill in the art at the time of the invention that each translated section, which is editable, (by Kaji) could have a word count (by D'Agostini) because it works in editable windows) which would get word counts for each of the various classifications.

The arguments are not persuasive.